

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

HUMAN RIGHTS DEFENSE CENTER

1028 N. Federal Highway
Lake Worth Beach, FL 33460

Plaintiff,

V.

UNITED STATES PARK POLICE

1100 Ohio Drive SW
Washington, D.C. 20024

Defendant.

Civil Action
No.

COMPLAINT

This lawsuit is an action under the Freedom of Information Act, 5 U.S.C. §552, *et seq.*, seeking production of records responsive to requests submitted by the Human Rights Defense Center to the United States Park Police.

JURISDICTION AND VENUE

1. This Court has both subject matter jurisdiction over this action and personal jurisdiction over the defendant under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. §§ 1331, 2201(a) and 2202.
2. Venue is appropriate in this Court under to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. §1391.

PARTIES

3. Plaintiff Human Rights Defense Center is a non-profit charitable organization incorporated in the state of Washington, with principal offices in Lake Worth Beach, Florida.
4. Defendant United States Park Police (“Park Police”) is a component of the United States National Park Service and an agency under 5 U.S.C. §552(f)(1) and 5 U.S.C. § 701.

FACTS

Human Rights Defense Center’s Background and Mission

5. The Human Rights Defense Center (previously named Prison Legal News) has spent the last twenty-nine years dedicated to public education, prisoner education, advocacy, and outreach to support the rights of prisoners and to further basic human rights.
6. To accomplish its mission, HRDC gathers information from governmental entities around the country and publishes the information in its journals and on its websites.
7. HRDC publishes and distributes books, magazines, and other information containing news and analysis about prisons, jails and other detention facilities, prisoners’ rights, court rulings, management of prison facilities, prison conditions, and other matters about the rights and interests of incarcerated individuals.
8. HRDC publishes two magazines: *Prison Legal News (PLN)* and *Criminal Legal News (CLN)*.

9. *PLN* is a legal journal that reports news and litigation about carceral facilities. *PLN* has published monthly since 1990 and has around 9,000 subscribers in all 50 states. Based on reader survey results the estimated actual readership is around ten times that number. *PLN*'s subscribers include lawyers, journalists, judges, courts, public libraries and universities. *PLN* also maintains a website that receives around 100,000 visitors per month based on site analytics.
10. *CLN* is a legal journal launched in November, 2017. *CLN* reports on criminal law decisions from the states and federal systems, focusing on legal developments affecting the fact and duration of confinement. *CLN* also covers civil rights litigation against police, prosecutors, and court systems.
11. Through its publishing arm, HRDC also publishes books about the criminal justice system and legal issues affecting prisoners.

The United States Park Police

12. The Park Police was created in 1791, and is a law enforcement agency with jurisdiction in all federal parks.
13. The Park Police employs hundreds of officers, who have arrest authority in California, Maryland, New Jersey, New York, Virginia, and Washington D.C.

Request at Issue

14. On December 12, 2018, HRDC sent to the Park Police via U.S. first class mail a FOIA request for records of litigation against the Park Police.

15. Specifically, the December 12, 2018 FOIA request sought:

“1. Records, regardless of physical form or characteristics, sufficient to show for all claims or lawsuits brought against the U.S. Park Police and/or any of its agents or employees in which payments totaling \$1,000 or more were disbursed from January 1, 2010 to the present:

- The name of all parties involved;
- The case or claim number;
- The jurisdiction in which the case or claim was brought (e.g., U.S. District Court for the District of Columbia, D.C. Superior Court, etc.);
- The date of resolution;
- The amount of money involved in the resolution and to whom it was paid.

2. For each case or claim detailed above:

- The complaint or claim form and any amended versions;
- The verdict form, final judgment, settlement agreement, consent decree, or other paper that resolved the case.”

16. HRDC did not receive a response to the December 12, 2018 FOIA request.

17. On March 1, 2019 HRDC sent a FOIA request to the Park Police via the Department of the Interior’s online portal: <https://www.doi.gov/foia/foia-request-form>. This FOIA request asked for the same documents as the December 12, 2018 request.

18. HRDC’s FOIA requests also requested a fee waiver, as HRDC is a media organization.

19. On March 4, 2019, Ms. Charis Wilson, a FOIA Officer for the National Park Service, sent HRDC an email indicating that the March 1, 2019 FOIA request had been received, and was routed for processing.

20. No further information or communication from the Park Police, the National Park Service, or the Department of the Interior has been received by HRDC.

21. HRDC never received a response to its FOIA requests to the Park Police.

HRDC'S CLAIM FOR RELIEF

22. HRDC incorporates paragraphs 1 -22 by reference.

23. The Park Police wrongly withheld documents responsive to HRDC's properly submitted request.

24. HRDC has a statutory right to the records it seeks, and there is no basis for the Park Police to withhold them.

25. As a result, by failing to release the records specifically requested by HRDC, the Park Police has violated FOIA.

26. HRDC has a legal right to the responsive documents.

REQUESTED RELIEF

HRDC therefore respectfully requests that this Court:

1. Declare that the records sought by HRDC are subject to FOIA;
2. Order the Park Police to disclose the requested records;
3. Award costs and attorney's fees under 5 USC (a)(4)(E); and

4. Grant such other relief as the Court may consider just and proper.

Date: May 23, 2019.

Respectfully submitted,

Deborah M. Golden
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